

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patrick Randell McIntosh,

Civ. No. 23-2009 (JWB/TNL)

Petitioner,

v.

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Jared Rardin,

Respondent.

United States Magistrate Judge Tony N. Leung issued a Report and Recommendation (“R&R”) on November 14, 2023. (Doc. No. 8.) No objections have been filed to that R&R in the time permitted. In the absence of timely objections, the R&R is reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The November 14, 2023 Report and Recommendation (Doc. No. 8) is **ACCEPTED**; and
2. Petitioner Patrick Randell McIntosh’s amended Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. No. 6) is **DENIED**.
3. Petitioner’s Motion Seeking Leave and Counsel (Doc. No. 7) is **DENIED** to the extent it seeks consolidation of this action with *McIntosh v. Rardin*, Civ. No. 23-1832 (PJS/DLM) (D. Minn.)

4. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. No. 3) is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: December 12, 2023

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge